

LAW OFFICES

FARRAR & BATES, L.L.P.

J. Russell Farrar
William N. Bates
Kristin Ellis Berexa
Teresa Reall Ricks
Molly R. Cripps
Mary Byrd Ferrara*
Robyn Beale Williams
Jennifer Orr Locklin
Keith F. Blue
Christopher J. Larkin**

211 Seventh Avenue North
Suite 420
Nashville, Tennessee 37219

Telephone 615-254-3660
Facsimile 615-254-9835
E-Mail: fblaw@farrar-bates.com

Of Counsel

H. LaDon Baltimore

*Also licensed in KY
**Also licensed in AL

December 12, 2003

Honorable Pat Miller, Hearing Officer
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

Re: Triennial Review Order - 9 Month Proceeding - Loop & Transport; Docket No.
03-00527 - Procedural Schedule

Dear Director Miller:

My client, KMC Telecom, is in agreement with the general outline being discussed by BellSouth, CompSouth, and AT&T, in Bellsouth's letter of December 12 subject to one modification; a clarification of the BellSouth filing originally scheduled for December 10, 2003 (to be rescheduled). KMC believes BellSouth should identify the customer locations and transport routes that it proposes to be de-listed under the TRO. Such a filing will enable the orderly evaluation of the FCC's route-specific trigger and will help to reduce the burden on all parties in this docket.

Specifically, KMC proposes that the route identification filing with the TRA identify the following information: (i) the specific customer locations (for loops) and the A to Z central office routes (for transport) where BellSouth intends to challenge the impairment finding, (ii) each trigger (wholesale or self-provisioning) alleged to be satisfied, (iii) the capacity levels (DS1, DS3, or dark fiber) for which BellSouth alleges the triggers are satisfied, and (iv) the facilities-based carriers relied upon as satisfying the triggers, identified by trigger and capacity (e.g., DS3 self-provisioning trigger). In addition, BellSouth previously stated that it had not decided whether to present a case on "potential deployment" of loop or transport routes. In the route identification filing, BellSouth should identify the loop locations and/or transport routes for which it intends to make such a showing and describe the evidence on which it intends to rely.

KMC's experience in other states, including Texas and in the Verizon states, has demonstrated that these filings can be useful. A route identification filing will allow the parties to obtain relevant data concerning the state of deployment on the routes in issue. Such a filing

Honorable Pat Miller, Hearing Officer
December 12, 2003
Page 2

also will ease the discovery burdens on all parties, as the number of entities required to provide information and the scope of the relevant inquiry will be less susceptible to dispute. BellSouth is the only RBOC that has yet to make such a filing in the Triennial Review cases.

KMC wants this filing to be as comprehensive as possible, however. Therefore, we propose that this filing occur after BellSouth has received responses to its first set of interrogatories to CLECs but a minimum of one month in advance of the date of direct testimony. Thank you for your consideration of this matter

Sincerely,



H. LaDon Baltimore
Counsel for KMC Telecom

LDB/dcg

cc: Marva Johnson, Esq.
Steven Augustino, Esq.

Parties of Record

Guy Hicks, Esq.
BellSouth Telecommunications, Inc.
333 Commerce Street, Suite 2101
Nashville, TN 37201

Charles B. Welch, Esq.
Farris, Matthews, et al.
618 Church Street, #300
Nashville, TN 37219

Timothy Phillips, Esq.
Office of Tennessee Attorney General
Consumer Advocate & Protection Division
P. O. Box 20207
Nashville, TN 37202

James Wright, Esq.
United Telephone - Southeast
14111 Capital Blvd.
Wake Forest, NC 27587

Honorable Pat Miller, Hearing Officer
December 12, 2003
Page 3

Martha M. Ross-Bain, Esq.
AT&T Communications of the South Central States, LLC
1200 Peachtree Street, Suite 8100
Atlanta, GA 30309

Carol Kuhnnow
Qwest Communications, Inc.
4250 N. Fairfax Dr.
Arlington, VA 33303

Henry Walker, Esq.
Boult, Cummings, et al.
P. O. Box 198062
Nashville, TN 37238-3001

Mark W. Smith, Esq.
Strang, Fletcher, et al.
One Union Square, #400
Chattanooga, TN 37402

Nanette S. Edwards, Esq.
ITC^DeltaCom
4092 South Memorial Parkway
Huntsville, AL 35802

Jon Hastings, Esq.
Boult, Cummings, et al.
P. O. Box 198062
Nashville, TN 37219-8062

Marva Brown Johnson, Esq.
KMC Telecom
Senior Regulatory Counsel
1755 North Brown Road
Lawrenceville, GA 30043

Dale Grimes, Esq.
Bass, Berry & Sims
315 Deaderick Street, #2700
Nashville, TN 37238-3001

Guilford Thornton, Esq.
Stokes & Bartholomew
424 Church Street, #2800
Nashville, TN 37219